

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

INMATE EUGENE DOWNEY, )  
Plaintiff )

vs. )

COMMONWEALTH OF )  
PENNSYLVANIA; MR. MIKE CAPOZZA, )  
Deputy Superintendent; C/O. OFFICER )  
MILLER, )  
Defendants )

Civil Action No. 08-1399

Judge Arthur J. Schwab/

Magistrate Judge Amy Reynolds Hay

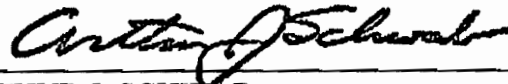
**ORDER**

AND NOW, this 24<sup>th</sup> day of April, 2009, after the Plaintiff,

Inmate Eugene Downey, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the plaintiff until April 17, 2009 to file written objections thereto, and no objections having been filed to the Report and Recommendation, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the above-captioned case is dismissed for failure to prosecute.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



ARTHUR J. SCHWAB  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

Eugene Downey  
FT-6916  
SCI Greene  
175 Progress Drive  
Waynesburg, PA 15370